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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,014

03/11/2004

Michel Brun

CELA:115

3915

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER

TRAN, BINH Q

ART UNIT	PAPER NUMBER
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3748

MAIL DATE	DELIVERY MODE
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10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,014

Applicant(s)

BRUN ET AL.

Examiner

BINH Q. TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/11/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically,

- In claims 1-7, lines 1-2, the use of alternative expression “*and/or*” renders the claims indefinite because the expressions on either side of the “*and/or*” are not considered equivalent and cause uncertainty with respect to the scope of the claims.

The claims not specifically mentioned are indefinite since they depended from one of the above claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Woodland (Patent Number 4,931,026).

Regarding claim 1, Woodland discloses a dilution and dispersion device (e.g. 10) for the exhaust and/or cooling gases of a vehicle's engine, that incorporates blades (e.g. 18, 23, 25, 28) and a hub (e.g. 11, 16, 26, 22), wherein said hub of said device incorporates means intended to reduce the loss in the gaseous flow rate generated by said gases (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Regarding claim 2, Woodland further discloses wherein said flow rate loss reduction means are constituted by one or several openings in said hub (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Regarding claim 3, Woodland further discloses wherein the number of said openings (Fig. 4) (e.g. 20, 31, 36), their diameter and their arrangement are determined according to the permeability which said device is to be given (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

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Regarding claim 4, Woodland further discloses wherein said flow rate loss reduction means are constituted by a profiled element allowing said gases to be deflected towards said blades (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Regarding claim 5, Woodland further discloses wherein said blades are fastened to a ring (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Regarding claim 6, Woodland further discloses wherein said ring is free to rotate with respect to said hub (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Regarding claim 7, Woodland further discloses wherein said ring is integral with said hub (e.g. See Figs. 1-4; col. 3, lines 22-67; col. 4, lines 1-25).

Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Vallance (Patent Number 4,352,638).

Regarding claim 1, Vallance discloses a dilution and dispersion device (e.g. 38) for the exhaust and/or cooling gases of a vehicle's engine, that incorporates blades (e.g. 120) and a hub (e.g. 122, 124), wherein said hub of said device incorporates means intended to reduce the loss in the gaseous flow rate generated by said gases (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 2, Vallance further discloses wherein said flow rate loss reduction means are constituted by one or several openings in said hub (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 3, Vallance further discloses wherein the number of said openings (Fig. 5) (e.g. 47), their diameter and their arrangement are determined according to the permeability which said device is to be given (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 4, Vallance further discloses wherein said flow rate loss reduction means are constituted by a profiled element allowing said gases to be deflected towards said blades (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 5, Vallance further discloses wherein said blades are fastened to a ring (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 6, Vallance further discloses wherein said ring is free to rotate with respect to said hub (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Regarding claim 7, Vallance further discloses wherein said ring is integral with said hub (e.g. See Figs. 5-9; col. 5, lines 27-67; col. 6, lines 1-55).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents:

Van der Woude (Pat. No. 4875829), Heath (Pat. No. 5542249), Torkelson (Pat. No. 4909346), Kim (Pat. No. 6158412), and Kim (Pat. No. 7104251) all disclose an exhaust gas purification for use with an internal combustion engine.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT
September 28, 2007



Binh Q. Tran
Patent Examiner
Art Unit 3748